



**REGULAR MEETING OF THE COMMON COUNCIL
MIDDLETOWN, CONNECTICUT
MAY 7, 2012**

Regular Meeting	A Regular Meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building, on Monday, May 7, 2012 at 7:00 p.m.
Present	Mayor Daniel T. Drew, Council Members Thomas J. Serra, Ronald P. Klattenberg, Mary A. Bartolotta , Gerald E. Daley, Robert P. Santangelo, Hope P. Kasper, Grady L. Faulkner, Jr., Philip J. Pessina, Joseph E. Bibisi, Linda Salafia, Todd G. Berch, and Deborah A. Kleckowski, Corporation Counsel Daniel B. Ryan, Sergeant-at-Arms Officer Matthew Freiman, and Council Clerk Marie O. Norwood.
Also Present	Hartford Courant Reporter Shawn Beals, Middletown Press Reporter Jim Salemi, and seventy members of the public
Meeting Called to Order	Mayor Drew calls the meeting to order at 7:04 p.m. and leads the public in the Pledge of Allegiance.
Call of Meeting Read	The Call of Meeting was read and accepted. Mayor Drew declares the Call a Legal Call and the Meeting a Legal Meeting.
Motion to Amend Agenda	Councilman Serra moves to add agenda 10E grant confirmation for \$5,000 for the Arts; substitute agenda items 3-2 and 12-3 add name to cosponsor. Councilman Pessina seconds the motion. The Chair calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the amendments to the agenda pass unanimously with 12 affirmative votes.

Agenda Item	3
Description	

Presentations

Councilman Faulkner is recognized for agenda item 3-1; he reads the resolution for the Dance Team at MHS. He moves it for approval and Councilman Pessina seconds the motion. The Chair states without objection, the resolution is approved by acclamation. Councilman Faulkner states a lot of times we take certain activities for granted and dance and cheering are very important. They cheer on teams and you have to be athletic to do it. They bring peoples spirits up; we need more of that. Congratulations to you all. The Coach states on behalf of dance team and high school, thank you for giving us this recognition of our first State title in the hip hop division. Athletic Director Pitruzzello states the proclamation will be hung in the trophy case . The Chair states congratulations on a job well done.

Resolution No.	95-12
File Name	ccedanceteam2012
Description	Presenting the resolution approved at the April meeting, Congratulating Middletown High School Dance Team.
(Approved)	

WHEREAS, the Middletown High School Dance Team was organized in 2005 by a group of students and Teacher Lisa Geary as a club sport; and

WHEREAS, in 2007, the Dance Team was recognized as an athletic sport under the principles of the Middletown Athletic Department; and

WHEREAS, the Team performs at the boys and girls home basketball games; and

WHEREAS, Captains Stephanie DeRita, Kelly Kinney, Tiana Spada, along with team members Emma Bagenski, Marisa Bishop, Stephanie Giardina, Rachel Held, Kimberly Kardas, Allissa Lancia, Liza Marino, Julia Marzalek-Baldyga, Haley McDonald, Imani Moore, Sarah Ouimet, and Cassidy Zanette worked along with their coaches Jessica Carlson, former Team Dancer and Founding Member and Samantha Richetelle challenged themselves by competing in regional events including the State CIAC Dance Championship; and

WHEREAS, the Middletown High School Dance Team attended the Universal Dance Association Camp at Southern Ct State University, earning superior ratings on individual and home routines; they were invited to the Universal Dance Association National Dance Team Championship in Orlando, Florida; and

WHEREAS, the Team attended Oxford Spirit Spectacular and earned first place in the High School Hip Hop Division and the highest score in the "Best In Show" award for the competition; the Dance Team attended "Dancin in the Woods" at Woodland Regional High School and took a 3rd place award in the High School Hip Hop Division; they attended the Quinnipiac Cheer and Dance Challenge and placed first in the High School Hip Hop Division; and

WHEREAS, the Middletown High School Dance Team took part in the CIAC State Dance Championship and received the 2012 State Title High School Hip Hop Champions, their first State Title.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That, on behalf of the Citizens of Middletown, we congratulate the Middletown High School Dance Team for its accomplishments and for capturing the State Championship Title as the 2012 Champions in High School Hip Hop; we applaud the Dance Team for their accomplishments, gained through their own work ethic and efforts; we are proud of their achievements and success as ambassadors of Middletown.

Agenda Item 3-2

Councilman Bibisi is recognized and goes to the podium for agenda item 3-2; he reads agenda item 3-2 and moves it for approval. His motion is seconded by Councilman Serra. Councilman Bibisi asks Mr. Krom and Ms Brewster to come forward. He calls the monitors up individually to be recognized.

Councilman Bibisi adds that this is the Mayor’s Task Force on the Homeless and it is made up of Officer William Warner, Middletown Police Department, Rev. Minnick, Rev. Lane, Ed Bonella, Sal Nesci, Dr. Havlicek, and McKensie Tyson who runs the Eddy Shelter. The Eddy Shelter opened the showers and washing machine to those using the warming center. He states St. Pius Church gave them over \$2,000; he mentions Debra Hopkins, Paster Graham and Sandra Steele. He thanks Matt Sclarozza from Middletown Fire for doing the inspections. He thanks everyone personally from the committee you represent. The Chair states without objection, the resolution is approved by acclamation. The Chair thanks them for making this critical resource available and one person who should be recognized is Councilman Bibisi who has been a tireless advocate. He has done an incredible job leading the Task Force.

Resolution No.
File Name
Description

(Approved)

96-12
ccbibisiwarmingcenter
Thanking the individuals and organizations for the City’s Warming Center.

WHEREAS, the City of Middletown with St. Vincent de Paul partnered with various organizations including Middlesex Hospital, Citizen’s Bank, St. Pius X Church, Seasons Federal Credit Union, and Liberty Bank Foundation to provide the financial resources to open a warming center in Middletown; and

WHEREAS, the center moved to various locations, beginning with First Baptist Church, then, First Methodist Church, and finally to the Church of the Holy Trinity. Each provided a large floor space to accommodate individuals using the center starting November 20, 2011 and continuing to March, 2012; and

WHEREAS, the center provided shelter, heat, hot drinks, sometimes donated snacks or a meal, and access to a kitchen for 133 nights during this past winter season. The Center worked with one to three shifts per week and the monitors were Brian Burness, Anne Marie Cannata, Bob Genzano, James Dimery, and Rafael Cruz who worked from 9 p.m. to 7 a.m. under the supervision of the Director of St. Vincent de Paul, Ron Krom and Lydia Brewster; and

WHEREAS, the center averaged 388 individuals each month, beginning with an average of nine in November and culminating to an average of 19 in March; and

WHEREAS, during these five months, there were no major negative incidents and the monitors were able, in most instances, to work with the individuals who made use of the sheltering; and

WHEREAS, the City of Middletown is applying for grants to help with this much needed service for the next winter season.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we offer our thanks s to the organizations who helped provide financial resources for this much needed service to our residents; without their help, the City of Middletown may not have been fortunate to provide sheltering during the past winter and continues to look to the goodwill of its citizens to help provide for those less fortunate; and

BE IT FURTHER RESOLVED: That we offer our gratitude to the monitors who manned the warming center and interacted with compassion with our less fortunate citizens. They were the backbone to this service and we hope others may follow their example and become involved in the Middletown Community, where we share a common cause and purpose to help each other.

Agenda Item 3-3

The Chair calls on Councilman Serra for agenda item 3-3; Councilman Serra asks the representatives from the Russell Library to come forward. He reads the resolution and moves it for approval; his motion is seconded by Councilman Klattenberg. Councilman Serra congratulates Arthur Meyers on the program. He states he is looking forward to this and other ethnic background stories of coming to Middletown from overseas and what they have contributed to Middletown. He hopes they continue with this. Mr. Meyers states he hopes it will be the first of many opportunities to celebrate our ethnic past and look forward to more opportunities. The Chair states without objection the resolution is approved by acclamation. There are no objections.

Resolution No.	97-12
File Name	Russliboncommunityheritage(2)
Description	Congratulating Russell Library and its collaborating organizations for the celebration of heritage program, “Growing Up Sicilian-Italian in Middletown.”
(Approved)	<p>WHEREAS, the mission of Russell Library is to be <i>A Gateway to the Future of Middletown</i>, providing the diverse community with the highest quality of library service, reliable information, and lifelong educational, recreational and cultural resources for all ages, abilities and backgrounds; and</p> <p>WHEREAS, Russell Library has arranged a program, “Growing Up Sicilian-Italian in Middletown” on Friday, May 18, 2012, centered around the book, <i>First To Last Picking</i>, by Dr. Sebastiano Santostefano; and</p> <p>WHEREAS, the program was made possible through a grant from the Connecticut Humanities Council with additional funds from the Friends of the Russell Library; and</p> <p>WHEREAS, Middlesex Community College, the Italian Society of Middletown, and the Middlesex County Historical Society have contributed significant resources to make possible the event; and</p> <p>WHEREAS, panelists will share their knowledge of Middletown, Sicilian history, and inter-ethnic relations, and a film of the program will enrich the community for years into the future.</p> <p>NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we congratulate Russell Library and the collaborating organizations and institutions for making possible this Celebration of Heritage for today and the future.</p>

<u>Agenda Item</u>	<u>4</u>
Description	Approval of Minutes <p>The Chair asks for a motion to approve the minutes of the regular Common Council meeting of April 2, 2012 at 7 p.m. meeting; Special Meetings of April 2, 2012 at 6 p.m., April 12, 2012 at 7 p.m., and April `12, 2012 Immediately following the 7 p.m. community meeting; the minutes of the meetings having been deposited with the Mayor and Corporation Counsel and copies of the same having been served on each and every Council Member, the reading of the same having been dispensed with, Councilman Serra moves them for approval and there is a second by Councilwoman Bartolotta. Councilman Pessina and Councilwoman Kasper abstain from the meeting of April 12, 2012 at 7 p.m. and April 12, 2012, Immediately following the 7 p.m. meeting. The Chair asks if there is any further discussion; hearing none, he calls for the vote. The Chair states the minutes are approved unanimously with the noted abstentions.</p>

<u>Agenda Items</u>	<u>5 and 6</u>
Description	Public Hearing on Agenda Items
Public Hearing Opens	<p>The Chair opens the public hearing on agenda items at 7:23 p.m.</p> <p>Phil Ouellette, owner of Eli’s and NoRa Cupcake and property at 695 Main Street is here to endorse Chief McKenna as Police Chief. We started our careers at the same time in the north end. We had the same goal in mind to serve the public. Bill to serve and protect and me to serve beer. He can go through a laundry list of qualifications, but I don’t have to do that. Everyone already knows that. He will not waste time doing that. He doesn’t take lightly your job to appoint someone to a job like this; when his name came up it was a slam dunk. If he was going to make a list there were two things to make your job very easy. One is whether behind the badge as officer or in front as father, friend, his integrity is beyond reproach. No one can touch his personal character. It is easy to pick someone like Bill for the job because I was not a candidate. He hopes you will approve him as the Chief of Police.</p> <p>Guy Russo states Bill McKenna was a couple of months behind me when I started in 1994 and I had a front row seat watching him and I think you are getting someone who is a true professional; he is unflappable but has the gravitas to serve in this position. I knew his dad and saw him grow up and have known him his entire life and you don’t change your stripes when you have known them their entire life. He thinks Bill will serve Middletown well and asks for the Council’s support.</p> <p>Emily Troll speaks on behalf of Izzy Greenberg and asks for their support on the programs in the north end. They have worked well in the north end. They hope to keep improving the program.</p> <p>Eric Hammerlink thanks the Council for the ordinance on ATV’s. The Connecticut Park Association has 820 miles of blue blaze hiking trails and is one of 11 national scenic trails. All the trails are maintained by volunteers and they are frustrated when they are used illegally by ATV’s and damaged. It is existing</p>

law and adds important provisions for private property owners. He thanks them for bringing it forward.

Dan Penny speaks in opposition to agenda item 12-10 which is the ATV ordinance. It duplicates numerous State and local trespassing laws which protect land owners and homeowners. The details are confusing and only leads to potential litigation for the City and homeowners. It is weak and the concept is ill-conceived. It trumps the home owners for having activities on our own properties. The private property section D is most offensive and places the City at risk. I respectfully request the Council to put this on hold and provide a public hearing on this matter. I also offer examples. The proposal as written offers the possibility that a child riding an electric car in his driveway as an offensive if a neighbor complains. If he uses his snowmobile on his land, a neighbor can complain and say it is a nuisance and I can be fined or my equipment compounded. He offers an alternative to strike the last sentence in D.

Peter Hildebrand and John Pagenetti are here to ask the Council to pass the resolution that would call for our elected officials to reign in the corporate power over elections. In our spare time they have collected signatures on petitions and the people in Middletown are receptive to this idea. It is an important symbol that multiple cities have passed including New York City and Los Angeles. Middletown would be the first City in Connecticut to join the ranks with these cities. We asked an elderly woman with her adult daughter if they would sign the petition and they laughed at us and said well you can't change the world, it has been like this for ever and her daughter said and they are still young and didn't figure it out. It seemed sad that the woman had grown up in the world where she felt helpless and didn't understand the government is for the people and by the people. He asks for the Council's support on this issue and there are things we can do to have the positive impact on the government. John asks those who signed the petitions to stand and about a 12 people in the Chamber stand. The Chair states you can submit the petition to the Council Clerk for the record.

Earle Roberts states he would like to discuss a couple of issues; he commends the Council for naming a park for Ray Jacobs. He served on Park and Rec and Ray was the ideal role model employee in the City. He was there to give answers and my sympathies to the family. On 12-10, someone spoke to it; his concern on this, he believes a lot of the issues can be enforced. We need to know the costs to do this. Last item 12-3, the gentlemen spoke to, I don't have a petition on this and speaks to people's rights. It isn't perfect and this goes beyond that point. Corporations should not enjoy constitutional rights and being considered human peoples. They pay taxes and serve their countries why would they be denied; what is the harm. Elections should be publicly funded, is that the taxpayer? I have a problem with that. Those are my funds they are handing out. I don't want to be forced to fund it. That is my right. Independent political funding already has laws regarding that. We are capitalists and this is a system that works. It is wrong and he is looking forward to the discussion on this and that it is so important it should be a roll call vote.

Seb Giuliano states he rises to address two items; one is to vote for the confirmation of Bill McKenna, resolution 7-1. He looked at his old yearbook and saw a picture of him being christened. Bill assumed acting police chief at a difficult time and he will take responsibility for his actions in that and you did it. You can handle this job and hopes the Council members will recognize that. He also addresses item 12-3; that resolution is doing a couple of things and for some reason, some parts of the resolution, it is poorly drafted. Some parts are out of order. Some parts do belong in front of the Council. The Charter gives the Council the right to pass ordinances, make appropriations, and pass resolutions for the governance of the City. The toughest thing to fill it is attempting to express the will of the citizens. The other thing is, it calls for an amendment to the Constitution and it will eviscerate the first amendment of the Constitution. He doesn't have a problem with using public funds in a campaign. The reason is we have public financing in the campaign and it works pretty well at the State level, but at the municipal level they are all different. He explains some of the differences. I don't know if you can parse the resolution up to remove the objectionable parts and if you can't, send it back for more work.

A Resident speaks to the ordinance on snowmobiles and we have plenty of laws on that and as a governing body, you should find a place to ride their vehicles legally and it might eliminate this problem.

Cindy Gaudhill and speaks in favor of 12-10. It is a quality of life issue and the way it is written, it allows them to ride on their property. They ride them on town property and makes it difficult for others to use the property. She hopes the Council will approve it.

Sal Garana states a neighbor of his left the ordinance in his mailbox and he came to speak on it. He is against this. His children ride dirt bikes on his property and they don't disturb other people's property. It is difficult to define the verbiage that is already in place let alone to increase the verbiage on this

and he reads a section of the ordinance. If I don't feel like listening to someone run their ATV on their property, I can call up the police. Who defines a nuisance or harassment. There are laws on the books and they define what can be operated on properties and there is not a reason to add language that muddies the law. You are taking away a lot of recreation done by children legally.

Linda Moore resides on Chauncey Road and is rising in opposition of 12-10; her children are already restricted on where they can ride and they have over 4 acres and if a neighbor wants to say it is annoying, then their right is taken away. This takes away their right to ride in their own yard. She just found out about this a few hours ago and felt strongly about it and wanted to speak in opposition.

Gary Ouellette speaks in support of Chief McKenna, 7-1. We have worked with him in the command role back to the Kleen Energy tragedy and his communication with police and fire goes beyond what they have had in the past. We need to work together and under McKenna it has been the best. Over the past year with hurricane and winter storm and I worked with him and his leadership, honesty and integrity shows along with how much he cares for the department and the City.

David Sandler rises in support of 12-10; he attended a meeting at the South Fire District Station on this and the noise dirt and dust is impossible to enjoy your own yard. The damage to the town property liability-wise is an issue. He thanks the Council and Mayor for following through on this ordinance.

David Brown, Middletown Land Trust. He is in support of 12-10; he feels strongly about this as resident and director of land trust. We have worked hard to save open space for passive recreation for all. He can't understate the damage done to their properties. It is not big, it is strong and it is not ill conceived. It is necessary. The damage to trails maintained by volunteers is demotivating. The damage to the environment and sensitive ecosystems and water, it is remarkable what can happen and the people we preserve the property for, they can't use it. I heard the use of private use on private property and if you run a lawn mower you face the same issue. But you know that it doesn't end there. They go on to town properties and farms. We had to extend the gate because they were pushing them under a gate and climbing over the fence. We spent a lot of time and effort for people to use the land and they can't; we need stronger laws not weaker. The State has tried to make an area for them and now we need town by town efforts to protect our properties and can be used by all those who want to and for the use intended, passive recreation.

Capt. Moriarity states you have heard from others and have not heard from the cops. I watched Bill come through the ranks. He has done a fine job and came in during a tumultuous time. He has gotten the budget in control and he has done a heck of a job.

Justin Carbonella, Youth Services Coordinator he wanted to throw his hat in the ring for Bill McKenna. He appreciated the work they did together when he became youth center coordinator. He thinks their relationship will be strengthened with this appointment.

Christine (inaudible) is against ordinance 12-10; her two young children ride ATV's and neighbors will call and complain. Is it fair. We are trying to raise the kids to be good and be good citizens. You are taking everything away. I am against this.

Public Hearing Closes

The Chair asks if there are other members of the public wishing to address the Council. Seeing no one, the Chair closes the public hearing at 8 p.m.

Agenda Item 7
Description

Confirmation of the appointment of William McKenna as Chief of Police

Questions from Council

Nominee for Chief of Police, William McKenna comes forward and states thank you for allowing me here and requests to read a prepared statement. He states he is honored to stand here before you. The Mayor recognizes my ability to lead the men. He thanks the Personnel Review Committee who voted to put me before the Council tonight. During 18 years, he has worked with most of the Council people here tonight. He hopes they recognize his professionalism. You have seen my work. I have increased officers from 105 to 111. He states this couldn't have been achieved without cooperation from everyone. He gives a few more examples of what can be done if the right people are in the right positions. He guarantees that they are at the beginning of rebuilding the foundation for accountability. He wants stability among the ranks; they have been leaderless too long and he wants it to be leader driven. We are shorthanded but do more with less. He will let others from below assist him to train officers and boost morale. He plans to work with City government and the Union for a patrol schedule for officers and City that is financially beneficial and good for all. Downtown is flourishing. Placing the right officers in the right places in town will break down barriers and not doors. We are diverse as our

City and need to use it. We have a good Department that can be better. If voted to become the next chief, he will take steps to make it the best Department in the State. He was born here and continues to live here and this is where I call home. I want Middletown to be a great place to live and play. Middletown will be safe, if not safer than any community in the country. His job is to make sure that is achieved. Many great officers have come through the Department and he has taken those good qualities and uses them. He would like to be confirmed and hopes the relationship continues for many years.

Councilman Serra is recognized by the Chair and states expand upon the community policing; in your resume you were in the north end. Your experience there, as a leader how do you see it. Nominee McKenna states the traditional definition is putting the same officers in the same areas of the town to get to know the people; get out of the vehicle and settle disputes and knowing the citizens by name and bringing it back to the office. The community policing is talking to business owners and getting to know them. That officer can be called by those citizens. Councilman Serra asks if that is what he did. Acting Chief McKenna states he walked the beat and asked to walk it and would get mad to be in a cruiser. The north end was not like it is today. I wanted to meet the people and there weren't many times we needed an arrest warrant because we found the people we were looking for. He knew the people by name. He is looking for substations in the north end. Councilman Serra asks if that is what you envision. Acting Chief McKenna responds yes. Businesses are flocking to Middletown, and community policing is not just about downtown, but all areas of Middletown. It is getting officers to know the residents wherever you are. Let the officers get to know the residents. It is a group effort. It is Middletown's Police Department. My goal is to eventually be creative and getting the command staff thinking together and getting information to the bottom guy. That guy may have information that could help us. Councilman Serra asks about the school resource officers and your relationship. Acting Chief McKenna states we had up to four resource officers. Two full time in the high school and we had one at Keigwin and Wilson and with budgetary constraints, we are down to one at MHS and one at WWMS. With that we are still funded for GREAT training and the famous DARE program. We have had two or three graduations from the program. We have the right people there. We put them in the right places and we get a lot. I plan if we get out of the recession, I would like more school resource officers. Councilman Serra states your vision of staff training what are your thoughts. Acting Chief McKenna states we had training and it fell to the wayside. He believes in it. We have a new training officer, Bill Hertler. Acting Chief McKenna states that he stressed starting with roll call training and it is when we receive any updated law, why not utilize roll call training which is straight time. There are no secrets. He will not hold secrets; it will make my job easier. We are trying to train future leaders of the organization. Councilman Serra states on the districts in the City and what will we do with those; we talked about smaller districts and he asks him what are his thoughts. Acting Chief McKenna states Councilman Serra has been working on redistricting for quite some time and his thought is once there is enough manpower and he is looking to redistrict, cutting the City in half at Washington Street, with three districts on each side of Washington Street. Councilman Serra would like 8; he would like six and make a mandatory roving car and that extra car can take the district when necessary; for example, if they are on dinner break. If they have three districts on each side of Washington Street and have the extra car, it can go from a reactive to proactive police department. He is willing to revisit the redistricting. Councilman Serra asked the question because you utilized your expertise to show us another way to do it. Acting Chief McKenna responds financially it might be better off doing it my way because you have not passed this year's budget. Councilman Serra states nice job.

Councilman Pessina states you came a long way. Seventeen years ago you were ridiculed and you rose above that and I was fortunate to be in my command position to see you rise above it. We saw you grow in your youth activities and what made me more proud was how you handled your investigations. You brought our family to a new level of expertise and you should be commended for that. I saw personally a transformation of a patrol officer who went through the ranks; the way you conduct yourself and tell the public how important the police officer walking the beat is. Acting Chief McKenna responds it is the most important position. Patrol is our heartbeat and our first line to the citizens. He will not deplete the patrol division. The officers here should have the round of applause because they are the ones doing it. The officers receive that applause. Councilman Pessina states he talked about watching you grow managerial wise these last seven months. Your management team and putting it together was wonderful. I saw two or three individuals presenting to Public Safety. He asks how the management team is important. Acting Chief McKenna states you are only as good as those around you. Any manager can be praised; with me, I don't want that. I want to surround myself by the hardest working people and reward them. Someone put in for motorcycle and has been denied. This time, he had a heart to heart with the person and gave him a shot and he went through a rigorous course and passed it. I want a team mentality. I want communication from the last guy hired to

Captain Moriarity. He continues I bring people to Public Safety because I don't have all the answers. It is not a sign of weakness to answer questions or defer the answers to someone else. My urge for communication; many have called me and sometimes we meet. That is what it is all about. I am potentially going to be the chief; what is the secret. Gary came up to speak on my behalf and we talk all the time. We need to be on the same page. I will ask you tonight, if I don't have the answer, can you help me out. I might give you an answer and it will be right, but might not be the one you want to hear. Councilman Pessina states the public can see why you would be the Chief. He asks how you see it in five years. Acting Chief McKenna responds 125 strong; he doesn't want vacancies. He wants to forecast retirements and pension disabilities. He wants to provide the Department with the number we are funded for and get them out there and he asks the public to pat them on the back once in a while. We have great men and women on the police force and sometimes they need to hear it. Councilman Pessina asks on community policing, in five years in relation to the community. Acting Chief McKenna would like 5 years from now the citizens to know our first and last names and see us in a good light. Families going to Middletown High School games seeing the SRO and thanking him because he helped their kids out. He wants the Department to be a bright light. I have not taken a day off in seven months because it is the commitment; it wasn't going to fail under me, but it was all the guys who were here working nights and holidays. Councilman Pessina states it was my pleasure to see you grow as a leader for Middletown and the Police Department. I am so happy to see my family lead by an individual like you.

Councilman Faulkner states I like your opening statement and what struck me was breaking barriers and not doors and that was a nice start. I would love to see more African males in the school system, fire department and police department. He hopes you can shed light on how to attract candidates for the departments. Acting Chief McKenna responds the past 7 months he had to figure out what a requisition was and had to figure out he had to do that to hire people and Faith and I had a meeting and when we signed a requisition for the job, Faith looks at that and we are diversified. We have a recruitment process and he looks at it all the time and speaks with Faith often. Our training division is going to start a recruitment process and we will leave the building and get out to colleges, job fairs and we will travel to recruit people. We will get out in the field. Whether it is females, African Americans or Hispanics and any other bilingual officer we get on the force, we would be better. We went up 6% in the Asian community and we have an officer who is fluent in the language. Councilman Faulkner states the other question is our officers are in a lot of places in town. They see a lot. How do you see us as the legislative body and a City taking advantage of the information the officers see out in the field. Acting Chief McKenna states there was a communication break down for a few years and he is in communication with the Mayor's office and communication with other departments is phenomenal. He continues and states Councilman Santangelo is a good chair at Public Safety and he actually saw Councilman Serra smile at one. Any information we get from officers, we can bring forward. If we need something, I will come to you. I want to bring our voice to you, City government, so I can properly bring it back to the people in the Department. The relationship for the past 7 months has been great with the City government and police. If I can't attend I can send a Captain or Sergeant. Portland is here and we work well with Portland. I ask from this point forward that the communication gets better.

Councilman Bibisi states he is strong proponent of walking beats no cars. Days and nights until 3 a.m. and strongly in the three walking beat schedule. What is your position on walking beats. Acting Chief McKenna responds bringing a car on a beat didn't start when I was walking the beat. I can call up Captain Moriarity and I have been telling him for months getting the right person for the job is important. And there are people out there right now who are known by their first name because they walk the beat and I know sometimes they take a car, but am a firm believer of two man walking beats without a car. They will be out there and the bicycles will be out there. We just graduated a motorcycle officer. I am a firm believer of the walking beat. I volunteered for the walking beat. We knew everyone by first name and he hasn't had time to ask the captain of patrol to see if that is happening but he will. Councilman Bibisi states personal contact is important. Cars are great to get places fast, but certain areas of town where you need them to walk the beat for community policing, nothing can beat it.

Councilman Santangelo states he was looking at your resume and a police officer is an interesting thing; how many different things does a police officer do. Acting Chief McKenna replies it is countless. Getting into a vehicle, he would meet an officer and talk about what was going on and go our own way. We used to park in the north end and there isn't something we don't do. We pull over cars, go to accident scene, deal with fights; last night they dealt with a gunshot victim. He was called at 1:17 a.m. We do it all and do it very well and we can only get better. Councilman Santangelo states you explained what you do, it is police work, social work, lots of things. Your guys don't just do one job.

Acting Chief McKenna replies no. Councilman Santangelo asks for assignments in the department. Acting Chief McKenna states there is a dive team, swat team, the way we train, I urge that when you come back from training, you train others. These guys know how to work together. We want the best trained officers and it might take us longer to get through recruitment. We don't want to hire someone else's screw-ups and we will hire entry level people and the best entry level.

The Chair asks if there are any further questions from the Council to the nominee. Hearing none, he recognizes Councilwoman Kasper for resolution 7-1. She reads the resolution and moves it for approval. Councilman Serra seconds the motion. Councilwoman Kasper states she has known Bill for a number of years and she worked with him in the Department and I have seen you grow, too. You were put into a difficult position in October and your leadership qualities have really shown and you have brought the Department back together and boosted morale. I will support you.

Councilman Daley states he has an amendment, but wanted to say that he didn't ask any questions because he didn't have any. I have the same year book as former Mayor Giuliano and go back a long way with your family and that is part of the reason I don't have questions. You are the fabric of Middletown.

Motion to Amend

Councilman Daley moves to amend the resolution in the second paragraph by removing the words "Effective upon the appointment and swearing in to the position of Chief of Police" and state "In the event William McKenna is involuntarily separated from city service, for any reason prior to attaining 20 years of credited service for retirement purposes, he shall be credited with 20 years of services for pension purposes." He states keep the next sentence. And delete the last sentence. He hopes it will be accepted as a friendly amendment. Councilman Pessina seconds the motion. The Chair asks if there is any discussion; hearing none, he calls for the vote on the amendment. It is unanimous to approve with twelve aye votes. The Chair states the matter carries unanimously.

Councilman Klattenberg states, as a point of interest, this afternoon they received in e-mails a copy of the stakeholder meetings for the Superintendent of Schools and he looked at it because the qualities for the leader of the Board of Education, there is a commonality, in this case, what the community was looking for. He reviewed the community section of the report and ignoring the fact you need to know the curriculum, things like hands on leadership, building community, respecting stakeholders, all that you have discussed this evening is important. He has not heard a single concern raised by a person in the community and states I congratulate you.

Councilman Serra states Councilman Pessina referred to your rough start and he is referring to unfounded and fabrication of your background. I am glad you bore the criticism and I appointed you. I was extremely proud to appoint him during my term as Mayor. I took criticism; however, you became sergeant, lieutenant, captain, and acting deputy chief and the seven months as chief with honor and dignity. You are a comedian, too. He states he is looking forward to working with you and you met my criteria. I have been an advocate of residency for 40 years and the second part is promotion from within. You have experience in all parts of the department. It will make you a top line chief because you have been there. Good luck and I will support you.

Councilman Santangelo states he has been Chair of the Police Commission and now Public Safety and we have been together all these years. You have come a long way and looking at your resume and during the years with award ceremonies and the number of citations and awards speaks for itself. The reason I will support you is a quote I heard from someone else. You have shown us what you could do. I appreciate you and will support you.

The Chair states it is a pleasure working with you and your handling of the day to day administration is the most telling and watching behind the scene how you handle crisis and day to day administrative functions is impressive. We have a good candidate to lead the department. You got the budget under control and for edification of the police overtime is down by 75% since he took control. He lives in town and you are a model police officer and he seconds Councilman Faulkner's comment about breaking down barriers instead of doors and the quality of command staff is telling.

Hearing no further discussion, the Chair calls for the vote. He states congratulations; it is unanimous with twelve aye votes. He declares the appointment approved. He encourages the public to attend the swearing-in ceremony planned for Wednesday, May 9, 7 p.m. Mercy High School.

police and approving the compensation at Salary Grade 21, Step 6, 40 hours with benefits as defined by the Personnel Rules exempt, nonbargaining unit Directors, effective upon confirmation by the Common Council and that his longevity date with the City of Middletown shall be April 3, 1995 considered a 20-year credited service employee if involuntarily separated from the City before he achieves 20 years and that all accrued vacation, personal leave, sick and compensatory time shall rollover with this appointment.

(Amended and Approved)

Be it resolved by the Common Council of the City of Middletown: That William N. McKenna shall be confirmed to the position of Chief of Police at Salary Grade 21, Step 6 (\$56.53), 40 hours with benefits as defined by the Personnel Rules for exempt, non-bargaining unit Directors, effective upon confirmation by the Common Council.

Be it further resolved that William McKenna shall rollover all current accrued vacation, personal leave, sick and compensatory time into his new position. Benefits assigned through the exempt, non-bargaining unit Directors shall become effective upon appointment to the position of Chief of Police and shall be pro-rated. In the event William McKenna is involuntarily separated from city service, for any reason, prior to attaining 20 years of credited service for retirement purposes, he shall be credited with 20 years of service for pension purposes. Upon his reaching the actual date of 20 years of service based upon his longevity date of April 3, 1995 his pension calculations shall revert to his normal longevity date. the advancement of his longevity date shall be granted and he will remain credited for 20 years of service.

Motion to Recess

Councilwoman Kleckowski asks for a recess. The Chair calls for the vote and it is unanimous. The recess is called at 8:53 p.m.

Meeting Reconvenes

The Chair reconvenes the meeting at 9:09 p.m.

Agenda Item 8

Agenda Item 8

Description Old Business

Councilwoman Kasper states she has a resolution 84-12 regarding benefits to the administrative assistant to the mayor; she moves it for approval. There is no discussion.

Before the vote is called the Clerk explains that at the last meeting, the resolution was amended to say the Council would fix the salary annually through the budget process; however, the document that is the amendment to the Personnel Rules was not amended to reflect the change in the resolution and the wording under compensation remains with the method of a raise along with the words that the Council sets the salary annually. The Clerk surveyed the Council after the meeting and there was no consensus on the matter; it is brought back to see if the Council would like the document to remain as it is under compensation or be amended to read that the Council shall set the salary annually.

Motion to Amend

Councilwoman Kasper moves to amend the Personnel Rules for the Administrative Aide to remove the all the language except “The Salary shall be determined annually by the Common Council.” Her motion is seconded by Councilman Pessina.

The vote is called and the amendment is approved with twelve aye votes. The Chair states the amendment passes and calls for the vote on the underlying matter. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No.
File Name
Description

99-12
penonbargainingbenefitomayoradministrativeaide
Approving amending the resolution the benefits for the Administrative Assistant to the Mayor (Chief of Staff) by removing the language in the Personnel Rules for this position under Compensation to state “The Salary shall be determined annually by the Common Council.”

(Approved)

Whereas, the defined, non-bargaining position Administrative Assistant to the Mayor (Chief of Staff) has in the past piggybacked to a union contract for their salary and benefits; and

Whereas, each year this position has its salary approved through the budget process and benefits other than salary on a yearly basis, as approved by the Common Council; and

Whereas, it is the desire of the Common Council to discontinue the practice of piggybacking on any Middletown collective bargaining agreement for non-bargaining employee salaries, benefits, or terms and conditions of employment.

Now, Therefore, Be It Resolved By The Common Council of the City of Middletown: That it hereby approves that this position shall fall under the Personnel Rules for Non-bargaining Positions for all benefits; and

Be It Further Resolved: That the Personnel Rules for Non-Bargaining Positions for the Administrative Assistant to the Mayor (Chief of Staff) be further amended to remove all language under numbered 1. Compensation. except for the last sentence in the paragraph which states

“The salary shall be determined by the Council annually.”

Fiscal Impact: There is no fiscal impact; the cost of benefits and salaries are in the budget.

CITY OF MIDDLETOWN
PERSONNEL RULES
FOR DEFINED, NON-BARGAINING POSITIONS

The policies set forth are for all defined, non-bargaining position employees including executive employees defined by the following positions:

Executive: Administrative Assistant to the Mayor (Chief of Staff)

The position of Administrative Assistant to the Mayor (Chief of Staff) is an appointed and at will position that serves at the pleasure of the elected Mayor

In addition to any benefits provided herein and by City Ordinance or Charter, or specifically excluded, the above employee, hired into this position prior or after the adoption of this policy shall enjoy the following benefits.

1. **Compensation**
The Salary shall be determined annually by the Common Council.
2. **Work Week**
The workweek is a minimum of 40 hours; however, executive employees are expected to work in excess of 40 hours as necessary to fulfill and maintain the workload of the department. This may include working evenings and/or weekends to attend meetings, hearings, budget workshops, etc., or as deemed necessary by the Mayor.
3. **Compensatory Time**
Employees are considered exempt (salaried) professional employees under the Fair Labor Standards Act. Accordingly, this position is ineligible to earn any compensatory time or overtime. The employee will need to account for the use of sick days and vacation days.

Agenda Item9

DescriptionAppropriation Requests

The Council Clerk reads the appropriation requests and Certificate of the Director of Finance.

Appropriation Request:

MAYOR'S OFFICE
MUNICIPAL BUILDING

NOTICE OF PUBLIC HEARING

Notice is hereby given that a regular meeting of the Common Council of the City of Middletown will be held in the Council Chamber of the Municipal Building on **Monday, May 7, 2012** at 7 o'clock p.m. to consider and act upon the following:

Emergency Management

\$21,000, Account No. 1000-25500-53540, Gasoline and Generator Repair, General Fund.

Any and all persons interested may appear and be heard.

ATTEST:
DANIEL T. DREW
Mayor

CERTIFICATE OF DIRECTOR OF FINANCE:

To:His Honor Mayor Daniel T. Drew
and Members of the Common Council

From:Finance

Date:April 24, 2012

RE:Certification of Funds

This is to certify that funds sufficient to meet the appropriations requested at your meeting of April 2, 2012 are available as follows:

General Fund

\$21,000

Respectfully submitted,
Carl Erlacher
Director of Finance

Councilman Santangelo reads and moves for approval the Emergency Management appropriation request; Councilwoman Kasper seconds the motion. Councilman Klattenberg states the discussion he had with Bruce Driska was, the request was for \$19,032 which would be suitable for this expenditure so long as the reserve for their account is released and he moves to amend the request to \$19,032. The Chair states he had a discussion with Mr. Driska and he broke down the cost and doesn't know what the disparity is. There is \$15,000 to refill the diesel fuel and \$4,000 for the regular gas for emergency management vehicles and then some repairs. The Chair states it is an accurate number. Councilman Klattenberg states it was raised in questions and was confirmed.

He moves to amend the appropriation to \$19,032; Councilman Berch seconds the motion. Councilman Serra states for the individual that was on Channel 3 regarding the Council not funding Emergency Management and it will be done this evening, and the \$3,553 is from the reserve release. We are not sleeping at the wheel.

Councilman Faulkner states did we find out if this is reimbursed. The Chair responds we are awaiting FEMA reimbursement for 75% for the outlay during the storm. Hearing no further discussion, the Chair calls for the vote on the amendment. The matter passes unanimously.

The Chair asks if there is any discussion on the underlying appropriation. Corporation Ryan states with regard to the motion before us, the proper way is to withdraw the \$21,000 request and with the amendment, the proper motion is of \$19,032. The Chair asks if there is any discussion on the \$19,032 request. Hearing none, he calls for the vote. The matter passes unanimously with twelve affirmative votes. The Chair states the mater passes unanimously.

Emergency Management
(Amended and Approved)

\$19,032, Account No. 1000-25500-53540, Gasoline and Generator Repair, General Fund.

Agenda Item
Description

10
Department, Committee, Commission Reports
Grant Confirmation Approvals

Councilman Serra reads and moves for approval agenda items 10A, 10B, 10C, 10D, and 10E; his motion is seconded by Councilman Pessina. The Chair asks if there is any discussion. Hearing none, he calls for the vote. The matter passes unanimously with twelve aye votes. The Chair states the matters passes unanimously with twelve affirmative votes.

Agenda Item
Description
(Approved)

10A
Town Clerk Certification
May 3, 2012

I, Sandra Russo Driska, City and Town Clerk of the City of Middletown, and custodian of the records and seal thereof, hereby certify that all ordinances and appropriations passed and adopted at the regular meeting of the Common Council on April 2, 2012 at 7:00 p.m. and specials meetings on April 2, 2012 at 6:00 p.m., April 12, 2012 at 7:00 p.m. and April 12, 2012 following the 7p.m. meeting have been advertised in the local newspaper.

Attest:
Sandra Russo Driska
City & Town Clerk

Agenda Item
Description
(Approved)

10B
Monthly Reports
Finance Department – Transfer Report to April 18, 2012
Public Works Report with summary/Bldg Permits for March, 2012

Agenda Item
Description
(Approved)

10C
Grant Confirmation and Approval – Board of Education

Name of Grant: As Listed Below
Amount \$2,707,746.74
Code: 2450-33000-
Grant Period: From: 7/1/2011 To: 6/30/2012
Type of
Amount Loaned from General \$0.00
Department Administering Middletown Board of Education

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this 769 - Middletown Teen Theater \$4,400; 840 - Excess & New Cost \$2,243,331; 841 - Special Ed Medicaid \$6,812.89; 843 - Even Start Family Literacy Program (\$6,667); 852 - Universal Service Fund \$30; 880 - Primary Mental Health (\$1,200); 894 - Swaim Strings Program \$35; 700 - Food Services Receipts \$174,585.10; 801 - Cigna Certified & Paras \$219,098.01; 803 - Workers' Compensation \$14,070.07; 804 - Preschool Program Fees \$5,685; 806 - SWAGG Parent Fees \$90; 807 - Aetna Classified \$265.56; 809 - Maintenance/Rentals \$5,525; 823 - Curriculum Receipts \$22; 833 - Adult Education Receipts \$33,192.36; 893 - Fingerprinting Receipts \$321.75; 902 - Student Activities-W.W.M.S. \$8,150
Total Special Programs Through 3/19/2012 \$10,315,412.81 ADDITIONS \$2,707,746.74 Total Special Programs Through 4/16/2012 \$13,023,159.55

Requested by: David H. Larson, Ph.D.

Agenda Item
Description
(Approved)

10D
Grant Confirmation and Approval – Finance Dept./LoCIP
Name of Grant: Local Capital Improvement Program - 2012
Amount \$317,435.00
Code: 3560-00000-57030
Grant Period: **From:** 3/1/2012 **To:**
Type of State
Amount Loaned from General \$317,435.00
Department Administering Finance
When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.
Description of services to be provided by this Each year the City of Middletown is awarded funds to be used for Middletown local capital improvement projects as specified in the state grant guidelines. The City must apply and receive approval for the projects. Once approval is granted, City funds must be expended for the project and are reimbursed after invoices/payments are approved by the State Office of Policy and Management.
Requested by: Carl Erlacher

Agenda Item
Description
(Approved)

10E
Grant Confirmation and Approval – Mayor’s Office/Arts
Name of Grant: DECD City Canvases Project
Amount \$5,000.00
Code: 3091-01000-
Grant Period: **From:** 5/15/201 **To:** 6/30/201
Type of State
Amount Loaned from General \$0.00
Department Administering Mayor's Office/Arts
When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.
Description of services to be provided by this Grant for preparation for project application.
Requested by: Daniel T. Drew, Mayor

Agenda Item
Description

11
Payment of All City Bills

Councilman Serra moves to pay all City bills that have been properly approved and his motion is seconded by Councilwoman Kasper. The Chair asks for discussion; hearing none, he calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

(Approved)

Agenda Item
Description

12
Resolutions, Ordinances, etc.

Agenda Item

12-1

Councilman Berch asks to read the resolution in full; he reads it and move sit for approval. Councilman Serra seconds the motion. Councilman Pessina states it is with great pride and humbleness that he supports this resolution because of Ray. He was a terrific family man and a dedicated employee of the Park and Recreation Department. It was his love for the children in the City and his dedication to them and his recreation abilities that his department presented to the City. It is fitting to recognize a man of his stature. He cared about his community and family. Councilman Serra states this is fitting and appropriate. He had 25 years of service to our youth. I worked with him as a City official, but also worked with him as Principal of Vinal Tech and solicited me regarding using the gym fields, cafeteria that he had at his camps. This is fitting. He was a great guy.

The Chair asks if there is any further discussion; hearing none, he calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the resolution passes unanimously with 12 affirmative votes.

Resolution No.
File Name
Description

100-12
prnaminggrayjacobsfieldsmithpark
Approving the softball field with lights at the Thomas Smith Park the “Ray Jacobs Field.”

(Approved)

WHEREAS, the Middletown Parks and Recreation Commission met on April 5, 2012 to consider naming a field at the Thomas Smith Park to honor Raymond Jacobs, a longstanding Middletown

Parks and Recreation employee who passed away recently; and

WHEREAS, the Commission voted unanimously to honor Mr. Jacobs with the naming of the field.

NOW, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:
That the lighted softball field at the Thomas Smith Park be named the “Ray Jacobs Field”; and

BE IT FURTHER RESOLVED: That a proclamation naming the field shall be presented to Mrs. Norma Jacobs.

Financial Impact: There is no financial impact in the naming of this field.

Agenda Item **12-2**

Councilman Klattenberg reads and moves for approval agenda item 12-2 and his motion is seconded by Councilwoman Kleckowski. There is no discussion. The Chair calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

Resolution No.	File Name	Description
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101-12

mo2012KomenRace

Approving becoming a local sponsor for the 2012 Susan G. Komen Connecticut Race for the Cure and displaying a banner promoting the Race and the efforts in researching the cure for breast cancer.

(Approved)

WHEREAS, on June 2nd the Susan G. Komen Connecticut Race for the Cure will be held at Bushnell Park in Hartford Connecticut; and

WHEREAS, The Foundation was established in 1982 by Nancy Brinker on behalf of her sister, Susan G. Komen; and

WHEREAS, The Connecticut Chapter has raised over \$21 million to support education, screening, treatment and research to find a cure for breast cancer; and

WHEREAS, The Connecticut Chapter is a local nonprofit and does not fund the Komen Headquarters; and

WHEREAS, According to the 2011 Community Profile of breast cancer in Connecticut, Connecticut ranks 2nd highest in the nation on the incidence of breast cancer; and

WHEREAS, The Community Profile also identifies Middletown as one of the highest rates of breast cancer incidence, mortality and late stage diagnosis in Connecticut cities and towns; and

WHEREAS, Breast cancer is a disease that has no boundaries and can affect the lives of all Middletown residents through a wife, mother, daughter, sister, aunt, cousin, neighbor, co-worker or best friend.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the City of Middletown proudly accepts the position of sponsor for the 2012 Susan G. Komen Connecticut Race for the Cure and that as a local sponsor, the City shall display the banner promoting the Race and the efforts to promote research that will identify and deliver cures for breast cancer.

Financial Impact: None. Local Municipal workforce shall place the banner in an appropriate location across Main Street.

Agenda Item **12-3**

Councilman Berch reads in full and moves agenda item 12-3 for approval. He asks to speak to it. Stating it is submitted by partisanly by me with Councilman Pessina, a democrat and a republican. Councilman Pessina seconds the motion. Councilman Faulkner states he will not vote against it but won't vote for it. We should encourage people to stand up and he has not heard much from his constituency to support this. Councilman Pessina states he will support this resolution and where it says all public elections should be publically funded, his thinking is there should be an advocacy in communities to have public financing. When you hear what is going on at the national, state and municipal level, people are sick and tired of big corporations coming in and directing elections. When we lost an opportunity for somebody off the Main Street to run for office who might make an impact we lost that opportunity because you can't win those elections without the corporation support. The communities need an opportunity to look at the candidate and if the community so chooses to publically finance the candidate to those offices. Councilman Klattenberg thanks and congratulates the two young men who came before us. They put time and effort into the project and I feel like Councilman Pessina does and our democracy should not be up for sale and what you are attempting to do should be commended. It is an effort he supports. He hopes they move forward in the State and region.

Councilwoman Kleckowski states her light is not working. I will not support this resolution and she has a few comments. It does say corporations but does not include pacs and other umbrella organizations. The public is a group of people and they have the right to donate to any political group. Connecticut has the most stringent rules on campaigning and money and what is the limit and will it discourage the spending of your own money. She will not support this and this is just a show of support and doesn't think this is the appropriate body to do this.

Petitioning is more appropriate. This is not leadership and it is a declaration of philosophy.

Councilman Daley states certainly I support the objective that the group is getting at, the Supreme Court decision that allows unlimited corporation contributions. I didn't see this resolution and the original one the young men gave to us, several of us had some problems with the harsh wording and they were gracious to say they were flexible and a couple members of the Council tried to craft something and he has some concerns about the wording and we need to be careful about saying all public elections should be fully funded and he is uncomfortable voting in favor of this the way it is worded. I feel the sentiment is valid and the risk of prolonging the agony he moves to table it; Councilman Santangelo seconds the motion. The Chair calls for the vote on the motion to table. It is eight aye votes by Council Members Serra, Bartolotta, Daley, Santangelo, Faulkner, Bibisi, Salafia, and Kleckowski to approve tabling the motion; and four nay votes by Council Members Klattenberg, Kasper, Berch, and Pessina. The Chair states the motion to table is approve with eight in favor and four in opposition. Councilman Klattenberg is recognized and states he will be happy to work with the gentlemen to craft a resolution.

Resolution No.
File Name
Description
(Tabled)

102-12
ccberchelectionandfunding
Approving a resolution regarding public elections to be publicly funded.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the people of Middletown, Connecticut stand with communities across America in protecting our republic from the influencing effects of well-financed interests by establishing that

- 1. Corporations should not enjoy the Constitutional rights by being considered human beings;
- 2. All public elections shall be publicly funded;
- 3. Independent political spending shall be limited and made transparent; and

BE IT FURTHER RESOLVED: That we hereby instruct our State and Federal representatives to end the influence of money in politics by enacting resolutions, legislation, and constitutional amendments to advance these principles.

Agenda Item **12-4**

Councilwoman Bartolotta reads and moves agenda item 12-4 for approval; her motion is seconded by Councilman Pessina. The Chair calls for discussion; seeing none, he calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

Resolution No.
File Name
Description

(Approved)

103-12
pemodificationtoPersonnelRulesPublic SafetyPositions(2)
Approving amending the Personnel Rules for Defined, Non-Bargaining Positions for Chief of Police, Chief of Fire, Deputy Fire Chief and Deputy Police Chief, Section 16, New I(a) Option C regarding a change in age of retirement to 52.

Be it resolved by the Common Council of the City of Middletown: The Common Council does hereby amend the City of Middletown, Personnel Rules for Defined, Non-Bargaining Positions as follows:

For the positions of Chief of Police, Chief of Fire, Deputy Police Chief and Deputy Fire Chief Section 16 shall be amended to include the following:

(New Section 1a) OPTION C
The Chief of Police, Chief of Fire, Deputy Police Chief and Deputy Fire Chief may select Option C. Under Option C and upon retirement, the employee shall be provided the same health insurance coverage as active employees, subject to the same limitations and payments as active employees, shall be provided said coverage as the said coverage, limitations and payments may be amended from time to time. All pensioners, age sixty-five (65) and older who are eligible for Medicare Parts A & B shall receive the same coverage as active employees, as said coverage, limitations and payments may be amended from time to time. The City's plan shall be supplemental to Medicare. Employees must have at least fifteen (15) years of City service to be eligible for health insurance benefits upon retirement. The premium cost-sharing obligation for the retiree shall be based upon age on date of retirement:

Less than age 45	100%
45-47	75%
48-49	50%
50-51	35%
Age 52 and up	Retiree pays same as actives with a
cap of 25%	applied for life.

Current employees who select this option shall be entitled to pension benefits as defined under Section 7E (as modified to include reference of 1a) of these rules.

Agenda Item **12-5**

Councilman Faulkner reads and moves for approval agenda item 12-5; his motion is seconded by Councilman Santangelo. Councilman Daley states he

has an amendment to the 2012 entitlement. He states the amendment is to the funding for the Middlesex Worker Preparation program, increasing from \$9,000 to \$14,000 to maintain the current level of funding; and reducing the Afterschool Scholarship Program from \$25,000 to \$20,000. The Chair asks for discussion on the amendment. There is no discussion. The vote is called and it is eleven aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, Salafia, and Berch; and one nay vote by Councilwoman Kleckowski. The Chair states the amendment passes with 11 affirmative and one negative vote.

Councilman Pessina states he was happy to see the micro grant program for seniors in this and they can apply for grants and loans for job creation. The Chair recognizes Councilman Faulkner and asks if he can address that. Councilman Faulkner states these loans for seniors and he doesn't know what that is for. Councilman Pessina states he likes the fact seniors are getting monetary opportunities. He commends the committee to recognizing the seniors as we do our children. The Chair, hearing no further discussion, calls for the vote. It is approved with eleven affirmative votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, Salafia, and Berch; and one nay vote by Councilwoman Kleckowski. The Chair states the matter passes with eleven affirmative and one negative vote.

Resolution No.	104-12
File Name	PCD 2012_CDBG_Entitlement
Description	Approving amending the City of Middletown Consolidated Plan for Housing and Community Development, September 1, 2012 to August 31, 2015 to include the Remington Rand Small Business Incubator as eligible strategy for CDBG funds under Priority #1 and replacing Strategy 1 with Jobs Strategy 1 – Creation of a small business incubator at the Remington Rand Facility; approving the 2012 Entitlement appropriations as presented in the resolution; approving the budget modifications and transfers from various entitlement years; and authorizing the Mayor to submit the Consolidated Plan amendment and the 2012 Annual Action plan to access the \$398,165 in CDBG entitlement funding, \$117,746.39 in old entitlement and program income funds and \$10,000 income to be received during the 2012 entitlement year.

(Amended and Approved)

WHEREAS, the City of Middletown receives Community Development Block Grant (CDBG) funds from the US Department of Housing & Urban Development as an entitlement community, and

WHEREAS, the final rule was published on January 5, 1995 in the Federal Register for the Consolidated Submission for Community Planning & Development Programs; and,

WHEREAS, the ongoing receipt of CDBG funds is conditioned upon the drafting and adoption of a Five Year Consolidated Plan of Housing and Community Development under federal regulations [24 CFR 91.1(a)(2)], and the drafting and adoption of an Annual Action Plan; and,

WHEREAS, such a Consolidated Plan amendment and 2012 Annual Action Plan have been properly drafted and subject to due review by the public and by the Citizens' Advisory Committee pursuant to the HUD final rule; and,

WHEREAS, the Citizens' Advisory Committee has seen fit to recommend approval and adoption of this Consolidated Plan amendment,

WHEREAS, the City of Middletown expects to received \$398,165 in Community Development Block Grant funds for the 2012 entitlement year ; and,

WHEREAS, the City of Middletown has \$117,746.39 in old entitlement and program income funds and expects to received \$10,000 in program income during the 2012 entitlement year; and,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the Mayor and the Common Council of Middletown hereby amend the *City of Middletown Consolidated Plan for Housing & Community Development September 1, 2010 to August 31, 2015* to include the Remington Rand Small Business Incubator as an eligible strategy for CDBG funds under Priority #1 and replace strategy 1 with: Jobs Strategy 1- Creation of a small business incubator at the Remington Rand facility.

BE IT FURTHER RESOLVED: That the following 2012 Entitlement appropriations are hereby approved:

Organization	Program/Project	Grant Amount
North End Action Team	North End Kids Market	\$5,000
Russell Library	Job and Career Services	\$15,000
St. Vincent DePaul	Amazing Grace Food Pantry	\$5,000
Middlesex Business & Industry Foundation	Worker Preparation Program	\$14,000
Oddfellows Playhouse	Main Street Theater Acquisition	\$172,253.60
Northern Middlesex YMCA	ADA Pool Lifts	\$6,000
Gilead Community Services	Improvements to Affordable Housing	\$38,130
City of Middletown	North End Bicycle Racks	\$4,000
City of Middletown	Remington Rand Incubator	\$22,219.64
City of Middletown	After-School Scholarship Program	\$20,000
City of Middletown	Micro-grant/loan program for Seniors	\$14,781.39
City of Middletown	Small Business Creation/Expansion Incentive	\$25,000
City of Middletown	Program Administration	\$79,000

BE IT FURTHER RESOLVED: That the following budget modifications be made:

DECREASE

<u>1995 Entitlement</u>		
Line Item 3950-14000-57030-0000-04025-1995-000	CRT/ Down Payment Ass: Misc Exp	\$1,500

<u>2006 Entitlement</u>		
Line Item 3700-14000-57030-0000-03615-2006-000	CHC/ Friends of McCarthy Park	\$26.16
<u>2007 Entitlement</u>		
Line Item 3709-14000-57030-0000-03460-2007-000	Middletown/ Program Administration	\$234.90
<u>2008 Entitlement</u>		
Line Item 3200-14000-57030-0000-03698-2008-000	CHC/ Friends of McCarthy Park	\$3,988.26
Line Item 3200-14000-57030-0000-03460-2008-000	Middletown/ Program Administration	\$589
Line Item 3200-14000-57030-0000-03420-2008-000	N. End Action. Community: Misc Exp	\$4.16
<u>2009 Entitlement</u>		
Line Item 3205-14000-57030-0000-03697-2009-000	Middletown Police North End Sec Cam	\$30,000
Line Item 3205-14000-57030-0000-03595-2009-000	Mercy Housing Shepherd Home Imp	\$33.66
Line Item 3205-14000-57030-0000-03631-2009-000	Shiloh Christian Church/ Adventures	\$0.75
Line Item 3205-14000-57030-0000-03661-2009-000	Middletown/Code Enforcement	\$5,196.99
Line Item 3205-14000-57030-0000-03662-2009-000	Middletown/Program Administration	\$240.72
<u>2010 Entitlement</u>		
Line Item 3215-14000-57030-0000-03425-2010-000	The Connection/ Eddy Shelter Imp	\$630
Line Item 3215-14000-57030-0000-03597-2010-000	Mercy Housing/ Shepherd Home Bath	\$4,076.60
Line Item 3215-14000-57030-0000-03722-2010-000	Downtown Business/ North End Impr	\$1,459.51
Line Item 3215-14000-57030-0000-03662-2010-000	Middletown/ Program Administration	\$1,317.80
Line Item 3215-14000-57030-0000-03663-2010-000	Middletown/ Afterschool Scholarship	\$3,000
Line Item 3215-14000-57030-0000-03666-2010-000	Middletown/ Blight Rapid Response	\$5,000
<u>Program Income- Expenditure Accounts</u>		
Line Item 3940-14000-57030-0000-03885-0000-000	Miller/Bridge Redev. Misc Expenses	\$14,383.85
Line Item 3890-14000-57030-0000-03885-2000-000	Miller/Bridge Redev. Misc Expenses	\$6,098
INCREASE		
<u>1995 Entitlement</u>		
Line Item 3950-14000-57030-0000- XXXXX -1995-000	Middletown/ Remington Rand Incubator	\$1,500
<u>2006 Entitlement</u>		
Line Item 3700-14000-57030-0000-XXXXX-2006-000	Middletown/ Remington Rand Incubator	\$26.16
<u>2007 Entitlement</u>		
Line Item 3709-14000-57030-0000- XXXXX -2007-000	Middletown/ Remington Rand Incubator	\$234.90
<u>2008 Entitlement</u>		
Line Item 3200-14000-57030-0000- XXXXX -2008-000	Middletown/ Remington Rand Incubator	\$4,581.42
<u>2009 Entitlement</u>		
Line Item 3205-14000-57030-0000- XXXXX -2009-000	Middletown/ Remington Rand Incubator	\$35,472.12
<u>2010 Entitlement</u>		
Line Item 3215-14000-57030-0000- XXXXX -2010-000	Middletown/ Remington Rand Incubator	\$15,483.91
<u>Program Income- Expenditure Accounts</u>		
Line Item 3940-14000-57030-0000- XXXXX -0000-000	Middletown/ Remington Rand Incubator	\$14,383.85
Line Item 3890-14000-57030-0000- XXXXX -0000-000	Middletown/ Remington Rand Incubator	\$6,098
TRANSFER		
<u>Program Income- Transfer From Fund Balance</u>		
Line Item 3960-00300-30310-0000-00000-0000-900	Unrestricted Fund Balance	- \$49,966.03
<u>Program Income- New Expenditure Lines</u>		
Line Item 3960-14000-XXXXX-XXXX- XXXXX -XXXX-XXX	Middletown/ Remington Rand Incubator	\$22,219.63
Line Item 3960-14000- XXXXX-XXXX- XXXXX -XXXX-XXX	Oddfellows/ Main Street Theater Acq	\$27,746.40

BE IT FURTHER RESOLVED: That the Mayor, as Chief Executive Officer of the City of Middletown, is hereby authorized to submit the *Consolidated Plan* amendment and *the 2012 Annual Action Plan* to access the \$398,165 in CDBG entitlement funding, \$117,746.39 in old entitlement and program income funds and \$10,000 of program income to be received during the 2012 entitlement year.

AND BE IT FURTHER RESOLVED: That the Consolidated Plan may be updated and amended as necessary to reflect Community Development Block Grant programs approved by the Common Council and changing priorities of present and future potential grant recipients.

FINANCIAL IMPACT: The CDBG program allows for 20% of the entitlement amount to fund program administration which is used to offset the salary and operating costs to run the program. Staff time and associated costs to oversee these projects are fund with an \$79,000 reimbursement to the City through the CDBG program.

Agenda Item 12-6

Councilman Santangelo reads and moves for approval agenda item 12-6; his motion is seconded by Councilman Faulkner. There is no discussion. The vote is called and it is unanimous to approve with twelve aye votes. The Chair states the resolution passes unanimously with 12 affirmative votes.

Resolution No. 105-12
File Name ws2012waterCNRlineitemswaterdept
Description Approving the amendments and transfers in the Water Department CNR line items as shown in the resolution with no new funding.
(Approved)
BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the following Water CNR Line Items be reduced by the amounts so indicated; and

BE IT FURTHER RESOLVED; That the sum of these reductions be placed into the two existing CNR line items as indicated:

From Existing Line Items					Reduction
Account Number		Description			Amounts
5010	60000	79453		Well Redevelopment 08/09	\$ 7,270.00
5010	60000	79466		Hydraulic Hammer 08/09	\$ 4,735.00
5010	60000	79465		Quality Data System	\$ 2,795.00
5010	60000	79527	2012	Customer Service Software	<u>\$ 8,000.00</u>
TOTAL					\$ 22,800.00

To Existing Line Items				Created
Account Number	Description			Amounts
5010	60000	79594	2012 Customer and Billing Software	\$ 15,800.00
5010	60000	79595	2012 Computer Hardware and Billing etal	\$ 7,000.00
TOTAL				\$ 22,800.00

Fiscal Note No Additional Impact with the reallocation of funds.

Agenda Item **12-7**

Councilman Berch reads and moves agenda item 12-7 for approval and his motion is seconded by Councilman Bibisi.

Motion to Amend

Councilman Serra moves to amend the resolution per the discussion with Finance Director earlier; he amends the resolution to reduce LoCIP to \$28,000 and add another paragraph, "Be it further resolved: That the Council approves the use and transfer of \$57,000 from Palmer Field Improvement line item into the new capital improvement line item Palmer Field Improvements. The Chair asks if there is any discussion; seeing none, he calls for the vote. It is unanimous to approve the amendment passes with twelve aye votes. The Chair states the amendment passes unanimously.

The Chair asks if there is any discussion on the underlying amended resolution. Hearing none, he calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the resolution carries unanimously.

Resolution No.	File Name	Description

106-12

prlocipapforPalmerFieldImprovements

Approving authorizing the Mayor to sign an application for LoCIP in an amount not to exceed \$28,000 for improvements to Palmer Field including new steel doors on buildings, replacement of siding and windows in the press box and observation deck; and approving a new Capital improvement line item entitled Palmer Field Improvements in the amount of \$85,000; approving the use and transfer of \$57,000 from the Palmer Field Improvement line item into the new Capital Improvement line item.

(Amended and Approved)

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Mayor Daniel T. Drew be authorized to sign an application to the State of Connecticut for \$28,000 from the Local Capital Improvement Program (LOCIP) for improvements to Palmer Field including new steel doors on buildings, replacement of siding and windows in press box and observation deck; and

BE IT FURTHER RESOLVED: That a new Capital Improvement line item entitled Palmer Field Improvements, in the amount of \$85,000, be added; and

BE IT FURTHER RESOLVED: That the Council approves the use and transfer of \$57,000 from the Palmer Field Improvement Fund line item into the new Capital Improvement line item entitled Palmer Field to pay for improvements at Palmer Field.

Agenda Item **12-8**

Councilman Daley reads and moves for approval agenda item 12-8; Councilman Serra seconds the motion. He states as we did legislate at Finance there are two other releases to be added and reads "Be it further resolved: That the 10% reserve from the Town Clerk's office of \$765.97 be released and returned to the department budget; and Be it further resolved: That the 10% reserve from the Emergency Management Budget in the amount of \$3,553.37 be released as well.

The Chair asks if there is any discussion on the amendment; hearing none, the vote is called. It is unanimous to approve with twelve aye votes. The Chair declares the amendment passes unanimously. The Chair asks if there is any discussion on the amended resolution. Seeing none, the vote is called; it is unanimous to approve with twelve aye votes. The Chair states the resolution passes unanimously with 12 affirmative votes.

Resolution No.

107-12

File Name	ccParkingtownclerkemergmgt10holdreinstatetooqbud2012
Description	Approving the release of the 10% reserve in the Parking Department, Town Clerk, and Emergency Management budgets to pay outstanding invoices.
(Amended and Approved)	<p>Whereas, as a service to patrons, visitors to Downtown, and Middletown citizens the Parking Services Department offers Main Street, Melilli Lot and Arcade Lot parkers the ability to pay by credit or debit card while the City carries the transactional fees;</p> <p>Whereas, the monthly credit card transactions costs and other security costs combined are approximately \$2100.00 per month per pre-existing contracts which were established prior to the reserve 10 Percent set aside;</p> <p>Whereas, these fee will be an account payable for April through June 2012 and the Department has transferred from all other department expense lines to cover contractual obligations to date;</p> <p>Whereas, on May 1, the department will need a release of the 10% hold funds to cover contractual obligations and credit card transactions costs;</p> <p>Whereas, the Parking Services Department 10% hold totals \$6420.33</p> <p>Be it Resolved by the Common Council of the City of Middletown: that the 10 percent reserve currently in line 1000-18500-5900 for \$6420.33 be returned to line 1000-18500-55185 to allow for payment of outstanding invoices; and</p> <p>Be it Further Resolved: That the 10% reserve in the Town Clerk’s Office in the amount of \$765.97 be released and returned to the department budget; and</p> <p>Be it Further Resolved: That the 10% reserve in the Emergency Management budget in the amount of \$3,553.37 be released as well.</p> <p>Fiscal Impact: The 10% reserve of \$6,420.33 would not be returned to the general fund at the end of the budget year from the Parking Department; \$765.97 would not be returned to the general fund from the Town Clerk’s Office; and \$3,553.37 would not be returned to the general fund from Emergency Management.</p>

Agenda Item 12-9

Councilman Berch reads and moves for approval agenda item 12-9. Councilman Santangelo seconds the motion. The Chair, hearing no discussion, calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the resolution passes unanimously with 12 affirmative votes.

Resolution No.	108-12
File Name	pwojmannelectric41812
Description	Approving a building permit refund to O.J. Mann Electric Services in the amount of \$58.04.
(Approved)	<p>BE IT RESOLVED BY THE COMMON COUNCIL, OF THE CITY OF MIDDLETOWN: That a Building Permit Refund be issued to O. J. Mann Electric Services, Inc., 77 Peck Lane, Cheshire, CT 06410 in the amount of \$58.04 for work no longer needed at 66 Lorelei Circle</p>

Agenda Item 12-10

Councilwoman Bartolotta reads and moves for approval agenda item12-10; Councilman Santangelo seconds the motion. Councilman Daley states he has two amendments. First the summary that Councilwoman Bartolotta read should be amended to read approving adding a new section 285-23 Definitions, 285-24 Operation restricted and 285-25 Penalties. The text 285-24D the ordinance that was distributed with the packet had some words left out in editing. There was a corrected version and the last section of subparagraph D, should say “No person shall operate or cause to be operated such vehicle, in any manner, which would cause nuisance, annoyance, alarm, or harassment of any kind to persons, domestic animals, or game.”

The Chair asks if there is discussion of the amendment. Hearing none, he calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the amendments passes unanimously with 12 affirmative votes.

The Chair recognizes Councilman Pessina who states he recognizes he is sympathetic to individuals with children operating the vehicle on their property. When he was on the Police Department, he had to try to mitigate some problems with reference to these trikes and the opposite side of the argument and to see families with no recourse, that is why we need this. We have to rely on the parents of the children when they operate them, they have to be considerate when operating them. We heard from the land trust and I can’t tell you the number of times the parks and city-owned property where they came in and caused damage. A police officer will not arbitrarily make a decision on a nuisance or a problem. They will look at it and listen to both sides and unfortunately there are three sides. Based on what he sees by the damage and what he hears, he or she will make a decision to mediate the problem. He doesn’t see them give tickets arbitrarily. He will have the families sit down. He

will support this. He has confidence in our City department to treat this fairly. We have complaints from the DEEP regarding these vehicles. I also understand they also need a place to go. Be good neighbors. He will support this.

Councilman Berch echoes Councilman Pessina's opinion on neighborly. I am also a ATV rider and he goes to Otis, MA. He heard a lot about having a place to go to ride them. This section D, and he reads it. He takes it as bad neighbor behavior because some people enjoy bad behavior to their neighbor. If you talk to your neighbor about your intent and he would imagine the neighbor would be happy with it. He has seen the adverse side of this where there is a massive amount of ATV activity on a daily basis. He has had words with them. He has been alarmed and harassed by bad behavior because of rocks kicked up by kids and the amount of damage on conservation land, is a blatant disregard of the signs. He does sympathize with people who have certain neighbors. The underlying problem throughout the entire City, this is rampant. Any place with a power line, ATV use is rampant. If this ordinance is passed to prevent another loss of life or trespassing, then it is good. Councilman Faulkner states most of his questions were answered. He was surprised that it was presented because he thought it already existed. He states he will support this.

Councilwoman Kleckowski comments she was at the meeting last August and this is a neighborhood problem and she has gone back and forth, but her concern is with the neighbors who want to ride their ATV's as well as the neighbors offended. They are afraid that you won't be able to ride the ATV at all and the language would be broadly brushed. Please rest assured our Police Department will be responsive and responsible in enforcing this ordinance and because your neighbor complains about it at 4 p.m., the police will not come rushing down. If that happened, please feel free to come to Public Safety so it can be discussed. If you have trust in the Police Department and I know this is a neighbor and neighbor situation with ATV, maybe we can mediate a way to go. This is a serious issue with summer looming. Councilman Daley states he wants to emphasis that the ordinance allows people to operate these vehicles on private property. Do it as a good neighbor where you are not bothering your neighbors and the overwhelming benefits for the vast majority of the community is important.

Councilman Serra states we assume the police officer will use discretion in the application of the ordinance and if the individual doesn't and you are not treated well you have recourse through the Mayor's office, the Chief's Office and the Public Safety Committee. If you feel unfairly treated in this application, you can contact the city regarding the officer.

The Chair, seeing no further discussion, calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the resolution passes unanimously with 12 affirmative votes.

Ordinance No.	06-12
File Name	sec285-232425
Description	Approving adding a new section 285-23. <u>Definitions.</u> 285-24. <u>Operation Restricted.</u> and 285-25. <u>Penalties.</u> to Chapter 285 of the Middletown Code of Ordinances dealing with all-terrain vehicles, snowmobiles, and motor driven cycles on City and residential property.
(Amended and Approved)	<p>BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN that a new Sec. 285-23 Definitions. and 285-24 Operation restricted. and 285-25 Penalties. be added to Chapter 285 of the Middletown Code of Ordinances to read as follows:</p> <p>Sec. 285-23. Definitions.</p> <p>For the purpose of this article:</p> <p><i>All-terrain vehicle</i> shall mean any vehicle so designed, built, modified or designed that it is capable of transporting persons or property over several types of surface or in areas where there is no paved roadway, including dirt bikes, motocross, endure or flat track.</p> <p><i>Motor driven cycle</i> shall mean any motor scooter, snowmobile or bicycle with an attached motor.</p> <p><i>Property of the city</i> shall include, but not be limited to, all park, golf course, school, parking or municipal areas under the control of any city board of commission.</p> <p><i>Residential property</i> shall mean all residential zoned land within the City.</p> <p>Sec. 285-24. Operation restricted.</p> <p>A. <i>Municipal property.</i> No person shall operate or cause to be operated any motor driven cycle, all-terrain vehicle or snowmobile upon the property of the city or residential property except on established roadways, paths, paved areas or streets where the operation of such vehicles is allowed either by state law, ordinance, rule or special permit.</p> <p>B. <i>Sidewalks.</i> No person shall operate or cause to be operated any motor driven cycle, all-terrain vehicle or snowmobile on any sidewalk or pedestrian walkway within the city except to cross the same or to place such vehicle upon such sidewalk for the purpose of parking same if the location where such vehicle is to be parked is such that it will not interfere with pedestrian traffic.</p>

- C. *License required.* All motor driven cycles, all-terrain vehicles or snowmobiles operated within the city must bear appropriate license plates or markers as required by state law.
- D. *Private Property.* No person shall operate or cause to be operated any motor driven cycle, all-terrain vehicle or snowmobile upon any private property within the city except with express permission of the owner. No person shall operate or cause to be operated such vehicle, in any manner, which would cause nuisance, annoyance, alarm, or harassment of any kind to persons, domestic animals, or game.
- E. *Noise.* No person shall operate or cause to be operated any motor driven cycle, all-terrain vehicle or snowmobile which is so designed, modified, altered or broken as to emit unreasonably loud or offensive levels of noise.

Sec. 285-25 Penalties.

Violation of any section of this article shall result in the following penalties:

- (1) For first violation, punishment as provided in section 1-6 of this Code. A fine of \$100 shall be imposed for a second violation. For a third violation, the vehicle shall be impounded and a fine of \$150 shall be imposed. Payment for towing charges, storage fees and any other charges incurred as a result of impounding the vehicle shall be required prior to the vehicle's release.
- (2) Notwithstanding subparagraph (1) of this section, any person found guilty of violation of this article where such violation caused damage to either private or municipal property, the individuals shall be liable to pay damages for the repair of same.

Agenda Item 12-11

Councilwoman Bartolotta reads and moves for approval agenda item 12-11; her motion is seconded by Councilman Santangelo.

Motion to Amend

Councilman Serra states at first I would like to say thank you to Ordinance Study and anyone who had input on this and proposed this to have oversight over IT areas and he is glad we have something. There is one minor amendment that he requests; under paragraph B, 3. Prioritize yearly work accomplished and change yearly to periodically. We need to know what is happening in the department and if the maker will take that as friendly. Councilman Santangelo states changing yearly to periodically can be once a year. Councilman Serra suggests regularly; there is further discussion. Councilman Serra states monthly. It is necessary that it needs to be done in particular with the problems we have had. He changes it to monthly. Councilman Pessina seconds the motion. The Chair asks if there is further discussion; seeing none, the vote is called. It is unanimous to approve with twelve aye votes. The Chair states the amendment passes unanimously.

Councilman Daley states he would amend this further. At a suggestion of the Task Force, one of the members had significant expertise in IT and the Task Force strongly endorsed it, and the individual stressed the importance that members have different technology disciplines, technology management experience in a variety of hardware and software technologies. Councilwoman Bartolotta seconds the motion. The Chair calls for the vote on the amendment and it is unanimous to approve with twelve aye votes. The Chair states the amendment passes unanimously with 12 affirmative votes.

The Chair asks if there is further discussion on the twice amended ordinance. Hearing none, the vote is called. It is unanimous to approve with twelve aye votes. The Chair states the Ordinance carries unanimously with 12 affirmative votes.

**Ordinance No.
File Name
Description**

**07-12
sec23-18
Approving adding a new section 23-18. Technology Advisory Committee. to Chapter 23 of the Middletown Code of Ordinances dealing with an advisory committee for the Information Technology Department.**

(Amended and Approved)

Be it ordained by the Common Council of the City of Middletown: That a new Sec. 23-18 Technology Advisory Committee. be added to Chapter 23 of the Middletown Code of Ordinances to read as follows:

Sec. 23-18. Technology Advisory Committee

- A. Membership; appointment.** There shall be a standing committee of the Common Council to be known as the "Technology Advisory Committee." Said Committee shall consist of three (3) members of the Common Council, not more than two of whom shall be members of the same political party to be appointed by the Common Council to serve during their term of Office; three City employees, users of the IT Department, including departments outside City Hall; and three members of the public with technology management experience in a variety of hardware and software technologies, who because of sitting on the committee, will not be eligible for City employment. Said members should live, work, or pay taxes in the City of Middletown and should not be limited to the business sector.
- B. General purpose; duties.** The Technology Advisory Committee shall have jurisdiction of all matters pertaining to technology in the City and shall be advisory to the Information Technology Department and may make appropriate recommendations to the Mayor and Common Council concerning the same. Some specific duties of the committee

are, but are not limited to:

- (1) Review yearly and update and maintain the 3 – 5 year strategic plan; including a business continuity plan and D-bar (Disaster Back-up and Recovery) that sets forth how each City Department will function in the event of a catastrophe;
- (2) Oversee regular testing of the City’s business continuity plan and D-bar (Disaster Back-up and Recovery);
- (3) Prioritize, monthly, other than the day-to-day work, the work to be accomplished by the IT Department on the strategic plan;
- (4) Review any proposed change to the existing infrastructure of network and computer systems and make recommendations to the Council for future purchases;
- (5) Assist the IT Department in making decisions regarding major software and hardware changes; to review recommended changes regarding software and hardware based on the strategic plan and needs of the City;
- (6) Assist the IT Department in the operating plan and budget process to recommend major purchases and expenses in the IT budget;
- (7) Review the IT Department’s structure and make recommendations to the appropriate authority;
- (8) Develop and publish City policies, including appropriate use of City computer connections via internet and e-mail, and establish security measures for the City for which each department and employee to adhere and provide recommendations if such policies are not followed and security is breached or viruses infect the system;
- (9) Work with the Board of Education, Police, Fire, and any other City Department to find ways to help the City to save money whether through shared usage, consultants, purchasing or other manner deemed appropriate;
- (10) Act on all matters referred to it by the Common Council.

Agenda Item 12-12

Councilman Daley reads and moves for approval agenda item 12-12; his motion is seconded by Councilman Serra. The Chair asks if there is any discussion; seeing none he calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the ordinance is approved unanimously with 12 affirmative votes.

**Ordinance No.
File Name
Description**

**08-12
sec74-9
Approving amending Section 74-9. Filling vacancies. Of Chapter 74 of the Middletown Code of Ordinances to have Finance and Government Operations Committee review positions when vacant and to limit the time an employee may perform duties in an acting capacity.**

(Approved)

Be it ordained by the Common Council of the City of Middletown: that Sec. 74-9 Filling vacancies in funded positions of Chapter 74 of the Middletown Code of Ordinances be amended to read as follows:

Sec. 74-9. Filling vacancies in funded positions. [Added 4-14-1983]

- A. Whenever any position for which funding has been provided, and for which the Mayor is the appointing authority, has become vacant for any reason, the [Director of Personnel] **Mayor or his/her designee** shall take all necessary and appropriate action to begin the process for permanently filling the position within 10 days of the date the position becomes vacant and thereafter shall continue to take all action necessary and appropriate for the position to be filled without delay. The Common Council may authorize an exception to these requirements.
- B. From time to time there may be positions that are vacant, and are necessary for the conduct of City Business. In such situations, an employee may fill a position on an acting basis. When this occurs, the Finance and Government Operations Committee shall conduct a study to determine the value of the position in City Government, however, in no case shall such acting position continue beyond six months. Upon recommendation by the Finance & Government Operations Committee, in cases where a search for a candidate to fill the vacancy occurs and goes beyond the six months, the Council may waive this requirement as deemed appropriate by a super majority vote of the Common Council..

Agenda Item 12-13

Councilman Berch reads and moves for approval agenda item 12-13; his motion is seconded by Councilman Pessina. There is no discussion. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair states the resolution passes unanimously with 12 affirmative votes.

**Resolution No.
File Name
Description**

**109-12
pwlocip58BernieOroukeDrive.
Approving authorizing the Mayor to sign an application with the State of Connecticut for \$90,000 for improvements to the Middletown owned building and shed located at 58 Bernie O’Rourke Drive leased to the American Legion Post 75 and subleased to the Sports Hall of Fame and approving a new capital line item entitled Sports Hall of Fame Improvements 2012 in the amount of \$90,000 in the Capital Plan.**

(Approved)

Be It Resolved By The Common Council of the City of Middletown: That Mayor Daniel T. Drew be authorized to sign an application to the State of Connecticut for \$90,000 from the Local Capital

Improvement Program (LoCIP) for improvements to be made to the city-owned building and shed located at 58 Bernie O'Rourke Drive, leased to the American Legion Post 75, and subleased to the Sports Hall of Fame, which will include roof reconstruction, stucco installation, and electrical work for exterior lighting.

Be it Further Resolved: That a new Capital Improvement line item, 58 Bernie O'Rourke Drive Improvements 2012, in the amount of \$90,000 be approved in the Capital Plan.

Financial Impact: Using LoCIP Grant Funds for this project will not affect the general fund budget.

Agenda Item 12-14

Councilman Daley reads and moves for approval agenda item 12-14; his motion is seconded by Councilwoman Kasper. Councilman Daley states Economic Development Committee met prior to questions to directors and unanimously approved this with three members present to recommend this for the demolition of the gas station at the corner of Grand and Main. There were pcb's and surface covering the cinder block structure and those cinder blocks had to be handled as hazardous waste and increased the labor and time of the project.

Councilwoman Salafia states she doesn't have a problem with the resolution but she did not know there was an Economic Development meeting earlier. Councilman Daley states the notice went out earlier this week and it was sent out as an e-mail and some people have a problem with e-mail. Councilman Daley will suggest a call. Councilman Berch states regarding the statement that it was done at a significantly lower cost, without a bid we don't know that. The Chair states based on other demos and it did look like a lower cost and having hazardous waste on Main Street, we needed it done. There is no further discussion. The Chair calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the resolution passes unanimously with 12 affirmative votes.

Resolution No.
File Name
Description

110-12
PCD645Mainaddexp
Approving a transfer from the Economic Development Fund general balance in the amount of \$2,700 into the Economic Development line item 4330-14000-99200-0000-95108, 645 Main Street Demolition to pay for additional expenses due to environmental contamination.

(Approved)

Whereas, at the May 7, 2012 meeting of the Economic Development Committee, the committee voted to increase line item 4330-14000-99200-0000-95108-0000-000 645 Main Street Demolition by \$2,700 to pay for additional expenses due to environmental contamination.

Now, therefore, be it resolved by the Common Council of the City of Middletown: that line item 4330-14000-99200-0000-95108-0000-000 645 Main Street Demolition in the Economic Development Fund be increased by the sum of \$2,700 by a transfer from the Economic Development Fund general balance.

FISCAL IMPACT – There will be no impact on the General Fund. The \$2,700 additional demolition cost will be paid from the Economic Development Fund.

Agenda Item 13

Description Mayor's Appointments

The Chair reads the appointments and asks for a motion to approve. Councilman Serra moves the appointment for approval and his motion is seconded by Councilman Pessina.

Councilman Faulkner states is the complete streets and bike ways the extent of the committee. The Chair states we came back for a resolution to keep the numbers under control and the committee was unwieldy and the committee will establish subcommittees so those eager to serve will add their expertise. The Chair states it is an ad hoc committee and we have been awarded \$1 million and may not want a time line. Councilman Faulkner asks if there are nonbikers to get involved for good representation on this. Councilman Santangelo agrees with Councilman Faulkner; is this a bike path, but it is pedestrians as well and they ride bikes on the roads and this should be shared with pedestrians. The Chair states a few are also joggers and walkers and bring multiple facets to the table. Councilman Pessina states New Haven has successfully done this and they are clearly marked and he is sensitive to walkers and it might be a good suggestion to put someone on for that; it is an opportunity for walkers as well.

The Chair asks if there is any further discussion; seeing none, he calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the Appointments pass unanimously with 12 affirmative votes.

Complete Streets & Bikeway Committee:

Appointment of Elizabeth Emery (D)
Appointment of John Hall (D)

Appointment of Ron Krom (D)
Appointment of Cindy Perugini (D)
Appointment of Debbie Stanely (R)
Appointment of Amy Vaillancourt (Independent)

Russell Library Board of Trustees:

Appointment of Jennifer Hadley to replace Hortense Kabel to May 31, 2015.
Reappointment of A. Stephan Nelson to May 31, 2015

<u>Agenda Item</u>	<u>14</u>
Description	Contingency Fund Transfers

The Chair states there was one contingency fund transfer in the amount of \$500 to Project Graduation, Line Item 1000-26500-59200-0724.

<u>Agenda Item</u>	<u>15</u>
Description	Questions to Directors on Nonagenda Items

The Chair asks if there are any questions to directors on nonagenda items. There are none.

Motion to Adjourn
Councilwoman Kasper moves to adjourn and is seconded by Councilman Pessina. The Chair calls for the vote; it is unanimous with twelve ayes. The Chair adjourns the meeting at 10:10 p.m.

ATTEST:

MARIE O. NORWOOD
COMMON COUNCIL CLERK